

PHARMACY BOARD
MINUTES
October 25, 2005

Conducting:	Betty Yamashita
Convened:	9:00 am
Adjourned:	3:00 pm
Members Present	Betty Yamashita Roger Fitzpatrick Dominic DeRose Marty Hill Edgar Cortes
Members excused	Shawna Hanson Dr. Mark Munger
Division Staff:	Craig Jackson, Division Director Diana Baker, Bureau Manager Penny Vogeler, Board Secretary Sandy Hess, DOPL Investigator
Guests:	Gerry Hassel, Wal-Mart Mary McMillian, Target Jim Fluty, Walgreens Tiana Tupou, Walgreens Sharon Franz, Target Reid Barker, UPhA Richard Piroshak, K-Mart
Investigations	Ms. Hess presented a copy of a prescription that has "Smith's Pharmacy" stamped on the back. She stated that Community Health Services has a contract with Smith's Pharmacies for these to be filled under a formulary. The Board would like to see a copy of the formulary and stated this issue needs to be discussed again at a future meeting. The Board requested that representatives from Smiths attend the next meeting to discuss the matter.

Administrative Business
Approval of Minutes (September)

Minutes approved with corrections

Board Business

Discipline Report
Connie Call

PROBATION INTERVIEWS
Clifford Holt

Mr. Holt came before the Board and was interviewed by Mr. Hill. He is still working at Smiths. He was reminded that he is to submit his documentation before the meeting so that the Board can review it prior to his interview. He will be scheduled to meet with the Board in June. He gave the Board a new address. He is **in compliance** with his Order.

PROBATION INTERVIEW
Paul Lund

Mr. Lund was interviewed by Mr. DeRose. He submitted his employer report, aftercare report and therapist report. He is still employed at RX America and enjoys his position there. His employer report was very positive. Mr. Lund continues to report that he is doing well with his recovery. He is considering applying for a controlled substance license and asked what he needs to do. Mr. Lund is **in compliance** with his Order.

Probation Interviews
Michael Berntsen

Mr. Fitzpatrick conducted the interview with Mr. Berntsen. Mr. Berntsen was asked to report on the Professional Boundaries Course he recently attended. He felt it was very informal and very non-judgmental. He was very pleased and came away feeling he is making progress. He stated he gained greater insight to some of his problems. Mr. Hill asked if he could list three things that he took away from the course what they would be.

1. This is not a small problem.
2. Be aware of your problem and protect yourself.
3. Watch your body language and avoid being too friendly. No touching. Be aware of situations and avoid them from happening.

He feels he is gaining skills that will allow him to work with females in a more professional manner. Ms. Yamashita asked how he deals with close friends as patients. Mr. Berntsen stated his problem was with co-workers, and he feels his patients were not his problem. Although Mr. Berntsen has completed many hours of continuing education, his Order requires that he complete 10 hours of continuing education in the areas of communication, coping with stress and relaxation. The Board gave Mr. Berntsen documentation of several programs that may not be specific to pharmacy, but still meets the criteria for a professional healthcare provider. He stated he will complete the CE this month and mail in the certificates. He is **in compliance** with the terms of his order.

Kasey Koeven

Mr. Koeven was interviewed by Ms. Yamashita. He feels he is doing better. He is going to school and is working about 15 hours a week. Mr. Koeven has completed his entire CE requirement. He would like to work more hours but this is not possible at the pharmacy he is presently with. Ms. Baker explained that there are other pharmacies that are willing to hire pharmacy technicians on probation and he should look into some of the bigger chain stores. He is **in compliance** with the terms of his Order.

**Probation Interview:
Craig Van Tassell**

Mr. DeRose conducted the interview with Mr. Van Tassell and explained that the Board is here to help him in any way they can to become compliant. Ms. Hess, DOPL investigator, stated she had visited Hi Mountain pharmacy and the deficiencies identified in last month's meeting have been corrected. Mr. Van Tassell has installed the wooden dowels and a motion detector to provide security of the pharmacy, and he has changed store hours to coincide with the pharmacy hours. He

attended CE and has registered for one in Dec. MDRX will be coming to his pharmacy on Nov 22, and every three months to assist in his inventory. He stated his fine will be paid in November. The clerks at his pharmacy are no longer taking refills over the phone. He has hired a pharmacy technician for the next two months and is in the process of looking to hire someone after that date. He also submitted a Technician Program to be approved by the Board. He stated he fills about 100 prescriptions a day. The Board was concerned that due to his busy schedule he may find it hard to train technicians. Mr. Van Tassell stated he plans to train his techs during the hours the pharmacy is closed.

Educational Interview
Harmon's Brickyard Pharmacy

Alan Hoge and Greg Jones were brought before the Board in representation of Harmon's Pharmacy. A Letter of Concern had been sent in regards to a complaint related to a prescription error that occurred in Harmon's Brickyard Pharmacy while Mr. Hoge was working as the pharmacist. The pharmacy had two techs on duty and Mr. Hoge stated he checked the prescriptions but did not remove the lids to actually look at the contents. The wrong drug was placed in one of the bottles. The Board stressed that this is an important step and should be followed. Mr. Jones stated that he feels space is also an issue at this pharmacy and there are plans to remodel.

The Board asked what procedure is followed once an error is reported. Mr. Jones said Harmon's fills out a report, the pharmacist deals with the patient and then reports to Mr. Jones. Mr. Hill was concerned that there needs to be some communication with the staff, discussing the error and what the pharmacy plans to do about it. Mr. Jones stated that he has never had a call that a report has not

followed. He also stated Harmon's is now purchasing new software to assist the pharmacist and pharmacy technicians. The Board felt comfortable with the changes that have been made at the pharmacy.

**New Application
Bradley Brouillette**

Mr. Brouillette was asked to come before the Board to discuss his application for licensure. He had disciplinary action in the state of Colorado.

Mr. Brouillette explained his disciplinary in Colorado to the Board and stated he had several personal issues he was dealing with. He is moving to Utah and will be working at Primary Children's Hospital. He has completed his probationer programs for recovery in Colorado. He is in the process of divorce. His employer is aware of his probation status in Colorado. He is seeing a domestic violence counselor in Utah as well as Colorado. A motion was made and seconded to approve Mr. Brouillett's application for licensure.

**Probation Interview
Wes Remund**

Mr. Fitzpatrick conducted the interview with Mr. Remund to review his Order. He explained he was found in possession of some medications that came from Mexico for his personal use, and that he had loose pills of controlled substances in his smock that he had picked up off the floor. He has 2 days of work diversion left, and he is in court probation. He is in an outpatient drug program. Mr. Remund sees Dr. David Hafen, Physician, and his pharmacy is Albertsons in Lehi. It was noted in his Order that he have individual therapy, and was instructed to start this therapy. He is no longer working with ShopKo. He is seeking employment and must work a minimum of 16 and a maximum of 48 per week.

A motion made and seconded to reinstate Mr. Remund's license under the

probationary terms of the Order. Mr. Hill opposed.

**New Application
Joshua DiScuillo**

Mr. DiScuillo was brought before the Board for review of his application for pharmacy technician. He was accompanied by Ben Johnson, his pharmacist at the time of his training. The issues at hand were the training hour's log. Mr. DiScuillo explained his training log hours to the Board. The manner in which the logs were filled out was not clear to the Division and actually appeared to be from separate pharmacies. The Board requested Mr. DiScuillo redo the logs with proper signatures. Ms. Baker discussed the importance and accuracy of the logs. Mr. DiScuillo had completed his training at Wal-Greens.

Mr. Jim Fluty, Pharmacy Supervisor, and Tiana Tupou, Technician Trainer, for Wal-greens were present and the matter of the filling out the entire application with the technician-in-training was discussed with them. It was also stressed that this is part of the approved program for technician training and the licensing process needs to be taught to them.

HEARING

SUSAN KOHLER

Judge Steve Eklund advised the Board that Ms. Kohler failed to show for the hearing and a Default Order would be issued.

**Discussion Items
Self Inspection/Audits**

The Pharmacy Practice Act Rules now states that prescription drugs and controlled substances should be audited yearly. Dominic proposed that the non-controlled drugs be removed from the physical count for inventories in the current rules. He feels that it is burdensome and excessive for the pharmacists who do not have a perpetual inventory that counts actual pills. State law is actually now stricter than the

DEA's requirement of counting controlled substances at every 2 years. Taxes are based on dollar volume rather than number of pills on the shelves. Counting of all drugs on the shelves seems work intensive with little value. Mr. Fitzpatrick suggested that diversion problems can occur with prescriptions as well, but discussion on the topic is warranted. Mr. Hill suggested that a list of commonly diverted drugs be counted. However, this list would have to be maintained in rule rather than a list that exists in some file in DOPL. Mr. DeRose made a motion to strike prescription drugs from the Inventory rules. No second was noted so the Motion died. The Board would like to get the opinion from all of the pharmacist board members at next meeting. The discussion will tabled until next meeting.

Medications dispensed in free clinics

Reid Barker has been approached by 6 of the free clinics to have medications distributed to patients without the presence of a pharmacist. Ms. Baker informed Mr. Barker the practice act and rules does not differentiate from paying patients and free clinics, and that all citizens deserve the same high quality of care.

Request for Bruce Danjanovich

Discussion of release of direct supervision of Bruce Danjanovich. A motion was made and seconded to deny that request. Motion carried to deny request.

Collaborative Agreement Protocols

Roger submitted a template for information that may be required for the Collaborative Practice document for agreements with physicians. VA protocols were identified by disease states and how management and education would be provided to the patients. Patient care issues and workflow must be included in the agreement to provide for the time that the pharmacist would be required to spend in this practice and not detract from the pharmaceutical

Next Meeting

care for other patients
Nov 22, 2005

Betty Yamashita, Chairperson

Date

Diana Baker, Bureau Manager

Date